

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARMITA LEWIS, as
personal representative of the Estate
of Dominique Lewis,

Plaintiff,

vs.

Case No. 15-11430

CHARTER TOWNSHIP OF FLINT,
FLINT POLICE OFFICER
MATTHEW NEEDHAM,

HON. AVERN COHN

Defendants.

ORDER DENYING DEFENDANTS' MOTION FOR STAY (Doc. 52)¹

This is a case under 42 U.S.C. § 1983 involving a fatal police shooting. Plaintiff Carmita Lewis, as personal representative of the Estate of Dominique Lewis, is suing the Charter Township of Flint and Flint Police Officer Matthew Needham.

Defendants took an appeal to the Court of Appeals for the Sixth Circuit from the Court's qualified immunity decision. Proceedings were stayed by the Sixth Circuit pending appeal. Lewis v. Charter Twp. of Flint, No. 15-1908 (Jan. 4, 2016).

The Sixth Circuit affirmed the Court and held that based on the video alone, Needham is not entitled to qualified immunity. Lewis v. Charter Twp. of Flint, No. 15-1908 (6th Cir. Aug. 22, 2016). The Sixth Circuit denied rehearing en banc. Lewis v. Charter Twp. of Flint, No. 15-1908 (6th Cir. Oct. 12, 2016). On January 10, 2017,

¹Upon review of the parties' papers, the Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78(b); E.D. Mich. LR 7.1(f)(2).

Needham filed a petition for a writ of certiorari with the Supreme Court. See Doc. 52-3.

Before the Court is defendants' motion for stay of proceedings pending a decision on Needham's petition for certiorari. The motion is DENIED. Discovery shall go forward.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: February 2, 2017
Detroit, Michigan